

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WONALDO CLARK,	:	CIVIL ACTION
Petitioner	:	
	:	
v.	:	No. 12-623
	:	
STEVEN GLUNT, et al.,	:	
Respondents.	:	
_____	:	

**ORDER**

**AND NOW**, this 15<sup>th</sup> day of November, 2013, upon careful and independent consideration of the petition for a writ of habeas corpus and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is hereby **ORDERED** that:

1. The Report and Recommended is **APPROVED** and **ADOPTED**.
2. Petitioner's objections are **OVERRULED**.<sup>1</sup>
3. A certificate of appealability **SHALL NOT** issue, in that Petitioner has not demonstrated that a reasonable jurist would debate the correctness of this ruling. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000); and

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<sup>1</sup> In his objections, Petitioner (1) "avers that although the courts have acknowledged that petitioner has raised abandonment for the purpose of appeal, no court has addressed this Constitutional issue..." and (2) "the court has over looked the issue of Constitutional violations, and specifically those related to counsels ineffectiveness, which he had a right to that assistance on direct appeal." Pet'r's Objections at p. 1.

Judge Strawbridge's Report and Recommendation addresses both issues. As to Petitioner's objection that no court has addressed his claim of abandonment for the purpose of appeal, we find that Judge Strawbridge addressed the issue directly. He noted that while a timely direct appeal was not filed, Petitioner's right to direct appeal was eventually reinstated and he did in fact file an appeal. We agree with Judge Strawbridge that Petitioner therefore suffered no prejudice from any failure to timely appeal.

As to the objection that the court overlooked his remaining ineffectiveness claims, which relate to counsel's failure to present certain witness or challenge the sufficiency of the evidence, as well as the denial of counsel unassociated with the public defenders, we find that Judge Strawbridge thoroughly addressed these issues. We agree with and adopt his conclusions.

4. The Clerk of the Court shall mark this case **CLOSED** for statistical purposes.

**BY THE COURT:**

/s/ Mitchell S. Goldberg

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**MITCHELL S. GOLDBERG, J.**